

## IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A lithium secondary battery comprising a positive electrode, a negative electrode, and a nonaqueous electrolytic solution containing an electrolyte salt dissolved in a nonaqueous solvent, ~~characterized in that~~ wherein said positive electrode ~~is made of~~ comprises a material including a lithium compound oxide, in that said negative electrode ~~is made of~~ comprises a material including graphite, and in that said nonaqueous electrolytic solution ~~contains~~ comprises dialkyl oxalate and further ~~contains~~ comprises vinylene carbonate and/or 1,3-propanesultone.

Claim 2 (Currently Amended): [[A]] The lithium secondary battery according to claim 1, wherein the alkyl group of said dialkyl oxalate has 1 to 12 carbon atoms.

Claim 3 (Currently Amended): [[A]] The lithium secondary battery according to claim 1 ~~or 2~~, wherein the content of said dialkyl oxalate is 0.01 to 10 % by weight, the content of said vinylene carbonate is 0.01 to 20 % by weight, and the content of said 1,3-propanesultone is 0.01 to 20 % by weight, each based on the weight of said nonaqueous electrolytic solution.

Claim 4 (Currently Amended): [[A]] The lithium secondary battery according to claim 1 ~~or 2~~, wherein said nonaqueous solvent is a combination of a cyclic carbonate with a linear carbonate or a combination of a cyclic carbonate with a lactone.

Claim 5 (Currently Amended): [[A]] The lithium secondary battery according to claim 1 ~~or 2~~, wherein said linear carbonate comprises methyl ethyl carbonate.

Claim 6 (Currently Amended): ~~[[A]]~~ The lithium secondary battery according to claim 1 ~~or~~ 2, wherein said nonaqueous solvent is a combination of propylene carbonate with dimethyl carbonate, a combination of ethylene carbonate with methyl ethyl carbonate, a combination of ethylene carbonate with diethyl carbonate or a combination of ethylene carbonate with  $\gamma$ -butyrolactone.

Claim 7 (Currently Amended): ~~[[A]]~~ The lithium secondary battery according to claim 1 ~~or~~ 2, wherein said graphite has a lattice spacing ( $d_{002}$ ) of the lattice face (002) of 0.340 nm or less.

Claim 8 (Currently Amended): ~~[[A]]~~ The lithium secondary battery according to claim 1 ~~or~~ 2, wherein the positive electrode active material is a lithium compound metal oxide showing an open circuit voltage of at least 4.3 V on Li basis after completion of charging.

Claim 9 (Currently Amended): A nonaqueous electrolytic solution for a lithium secondary battery ~~having~~ comprising a positive electrode and a negative electrode, and comprising an electrolyte salt dissolved in a nonaqueous solvent, ~~characterized in that~~ wherein said nonaqueous electrolytic solution ~~contains~~ comprises dialkyl oxalate and further ~~contains~~ comprises vinylene carbonate and/or 1,3-propanesultone.